IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20692 of 2000

Between:

The President,
Prochampally Handloom Weavers Co.Op Society Ltd., Post, Pochampally,
Nalgonda District.

..... PETITIONER

AND

1 The Dist Collector,
Nalgonda Dist.
2 The Mandal Revenue Officer,
Pochampally Mandal, Pochampally,
Nalgonda Dist.
3 The Labour Court-111, rep.by its Presiding Officer, Hyderabad.
4 Sri K.Balaji,
C/o. D.Venkatesham, President, A.P. Handloom Weavers Federation,
Sultan Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order, or direction , more particularly one in the nature of Writ of Mandamus declaring the action of the 1st and 2nd respondents, in seeking to recover the amount ordered in M.P.No. 11/99 , by issuing letter No. B3/17652/2000 dt. 19-8-2000, as wholly illegal arbitrary and unwarranted and without any justification, and consequently set-aside the letter No. B3/17652/2000, dt. 19-8-2000, issued by the 1st respondent,

Counsel for the Petitioner: MR.V.VISWANATHAM

Counsel for the Respondent Nos. 1 and 2 : GP FOR REVENUE

Counsel for the Respondent No.3 : G.P. for Labour
Counsel for Respondent No. 4: Mr. M.R. Tagore.

The Court made the following :

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ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The petitioner herein, who is the Society, filed this Writ Petition, inter alia, seeking for Mandamus challenging the proceedings dated 19.8.2000, which is a certificate issued for the purpose of recovery of amount as ordered earlier by the Labour Court.

It is submitted that initially the contesting respondent, who is the employee, filed an application seeking certain amounts towards terminal benefits and an ex-parte order was passed on 5.11.1999. Thereafter, the application filed by the petitioner to set aside the ex-parte order was dismissed for default, which was followed by filing of another application to restore the earlier application. In the meanwhile, the petitioner filed this Writ Petition and this court at the stage of admission granted interim orders and finally in WVMP No. 663 of 2001 dated 10.8.2001 to the effect that the petitioner to deposit Rs. 35,000/- to the credit of third respondent- Labour Court and it was permitted to be withdrawn by the contesting respondent without furnishing any security.

However, having regard to the pendency of this Writ petition, it appears, that the Labour Court has dismissed the second application for restoration of earlier application. Since the Writ Petition is pending as against the said order, the petitioner filed Writ Petition No. 19761 of 2004, which was allowed by this court as per orders dated 28th October 2004, restoring the said I.A No. 2 of 2002, to its

original file, after giving an opportunity to both sides.

Having regard to the same, nothing remains to be considered in this Writ Petition. Further, it is also represented that the petitioner has already deposited the amount, as ordered by this court. In the circumstances, as rightly submitted by the counsel on either side, no further orders are necessary in this Writ Petition and accordingly, the same is dismissed. It is also open for both sides to take all objections, which they are entitled to under law and the same shall be considered in the application pending consideration. No costs.

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B. PRAKASH RAO, J

DATED: 18.02.2005

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To

1 The Dist Collector,
Nalgonda Dist.
2 The Mandal Revenue Officer,

Pochampally Mandal, Pochampally,
Nalgonda Dist.

3 The Labour Court-111, rep.by its Presiding Officer, Hyderabad.

4. 2 CCs to G.P.for Revenue, High Court of A.P., Hyderabad.

5. 2 CD copies.